

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed on July 24, 2008. In the Office Action, the Examiner notes that claims 1-3, 6, 7 and 10-21 are pending and rejected. The Applicants herein amend claims 1, 19 and 20. Support for the amendments may be found in the specification on at least page 26, lines 9-17.

In view of the above amendments and following remarks, Applicants respectfully traverse the rejection and submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all the claims are allowable.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

REJECTION OF CLAIMS 1-3, 6-7 AND 10-21 UNDER 35 U.S.C. §103

The Examiner has rejected claims 1-3, 6-7 and 10-21 under 35 U.S.C. §103(a) as being unpatentable over Pandya et al. (USPN 6,671,724, hereinafter "Pandya") in view of Nouri et al. (USPN 6,065,053, hereinafter "Nouri") in view of Jones et al. (USPN 6,687,335, hereinafter "Jones") in further view of Vaid et al. (USPN 6,502,131, hereinafter "Vaid").

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Pandya, Nouri, Jones and Vaid references alone or in combination fail to teach or suggest Applicants' invention as a whole.

Applicants' independent claims 1, 19 and 20 recite:

1. A method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system, the method comprising:

receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end;

displaying, via a graphical user interface, at the monitor and control unit the status from the head-end relating to operations performed at the head-end including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit;

receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status;

forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices, wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities;

receiving a response message from a particular remote device at the monitor and control unit; and

forwarding the response message to a responsible entity in a targeted head-end selected from a plurality of head-ends, wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the targeted head-end. (Emphasis added).

19. A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:

at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end, wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the

information relating to the one or more operations performed at the head-end; and

forwarding at least a subset of the received information from the remote location to the one or more remote devices in conformance with the indicated capabilities;

receiving a response message from a particular remote device at the monitor and control unit; and

forwarding the response message to a responsible entity at a targeted head-end selected from a plurality of head-ends, wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the targeted head-end. (Emphasis added)

20. A method for remotely monitoring and controlling operation of a head-end in an information distribution system, comprising:

maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

providing, from a remote location to one or more remote devices, status from the head-end relating to one or more operations performed at the head-end in conformance with the indicated capabilities;

receiving, at the remote location, from a particular remote device one or more response messages at the monitor and control unit; and

adjusting at least one parameter of a particular operation performed at a responsible entity at a targeted head-end selected from a plurality of head-ends in accordance with the one or more response messages. (Emphasis added).

The present invention is directed, in part, toward a method to allow personnel with a remote device such as a cell phone or pager to receive a status from the head-end via a monitor and control unit and to send a response message back from the remote device to the head-end via the monitor and control unit. The monitor and control unit may then forward the response message to a responsible entity at a targeted entity to adjust a parameter of an operation of the targeted head-end. (see Abstract, emphasis added). In an exemplary embodiment, a monitor comprises a graphical user interface to display various information specifically related to head end operations, such as video bit rate information. (See Specification, p. 23, ll. 1-19).

The Examiner concedes that Pandya, Jones and Vaid fail to teach or suggest the above limitation. (See Office Action, p. 4, ll. 6-9). However, the Examiner asserts that Nouri bridges the substantial gap left by Pandya, Jones and Vaid.

The Applicants respectfully submit that in view of the amendments to claims 1, 19 and 20 that Nouri fails to bridge the substantial gap left by Pandya, Jones and Vaid. Nouri teaches a system for resetting a server. Notably, a specific server may be connected to a remote client for resetting or powering up the server. (See Nouri, col. 3, ll. 55-61). Thus, the server in Nouri does not need to forward the message to “a responsible entity at a targeted head end” because the “targeted head end” in Nouri is directly coupled to the remote client via the modem connection.

In stark contrast, the Applicants’ invention teaches an architecture where a monitor and control unit is coupled to a plurality of head ends. As a result, a message forwarded from a remote client must be forwarded by the monitor and control unit to “a responsible entity at a targeted head end.” Thus, the proper head end and the proper entity within the head end receive the message to change at least one parameter of a particular operation.

Consequently, at least for the reasons provided above above, Applicants respectfully submit that Pandya, Nouri, Jones and Vaid alone or in combination do not teach Applicants’ invention of at least independent claims 1, 19 and 20 as a whole and, as such, claims 1, 19 and 20 are not obvious in view of Pandya, Nouri, Jones and Vaid. It is believed that independent claims 1, 19 and 20 are allowable under 35 U.S.C. §103.

Furthermore, dependent claims 2-3, 6-7, 10-18 and 21 depend directly or indirectly from independent claims 1, 19 and 20 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to independent claims 1, 19 and 20, Applicants submit that these dependent claims are also non-obvious and patentable over Pandya, Nouri, Jones and Vaid under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.


CONCLUSION

Applicants submit that claims 1-3 and 6-7, 10-21 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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